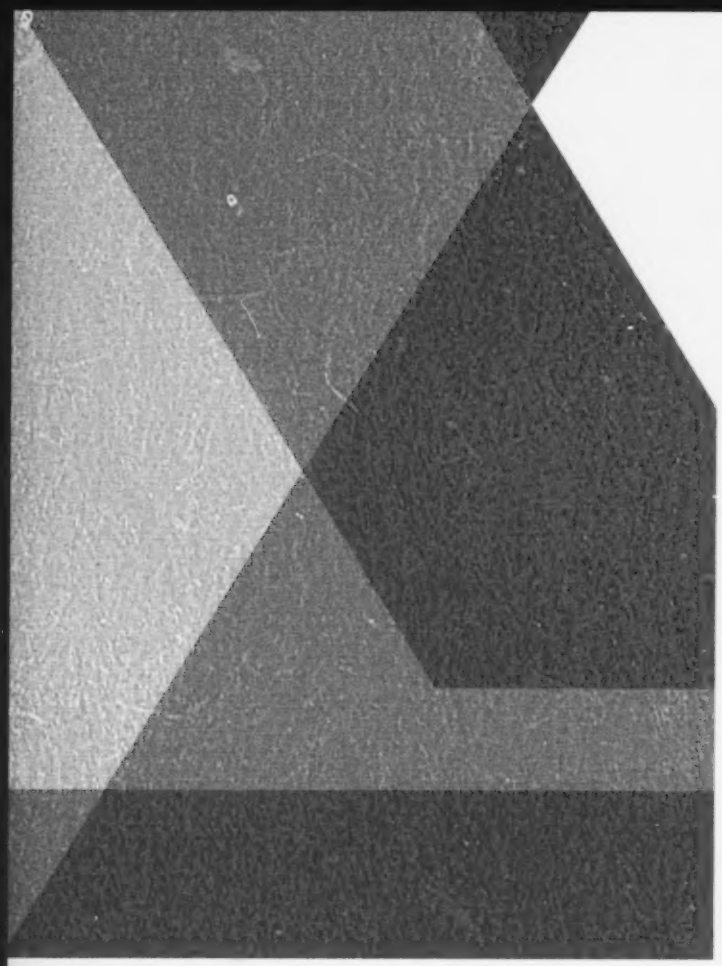

Business Plan

2018–19

Office of Aboriginal Affairs

NOVA SCOTIA

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Budget 2018–19: Business Plan
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Message from the Minister

I am pleased to present the Nova Scotia Office of Aboriginal Affairs business plan for 2018-19. The Office of Aboriginal Affairs (OAA) provides comprehensive support and advice on a complex suite of issues, consultation obligations, and opportunities that seek to improve the social and economic prosperity of Aboriginal peoples in Nova Scotia. OAA also leads the Government of Nova Scotia's participation in formal tripartite negotiations regarding Mi'kmaq, Aboriginal, and Treaty Rights.

Nova Scotia continues to be an innovative leader in many areas through well-established formal and productive relationships with the Mi'kmaq and Aboriginal communities. This is achieved through the Made-In-Nova Scotia Negotiation process, formal Consultation processes, the Treaty Education Initiative, and the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. Additionally, OAA continues to provide consistent advice, training, and engagement techniques on a wide range of Aboriginal issues to other provincial government departments.

At the interprovincial and national levels, OAA remains active in representing Nova Scotia on Aboriginal issues across Canada. This includes engagement on many major initiatives with federal and provincial, territorial, and Aboriginal partners, such as the National Inquiry into Murdered and Missing Indigenous Women and Girls, implementation of the Truth and Reconciliation Commission's Calls to Action, participating in Federal-Provincial-Territorial roundtables, such as Canada's Premiers with National Indigenous Organizations, as well as organizing the annual meeting of Nova Scotia Mi'kmaq Chiefs and Provincial Cabinet.

Treaty Education has been a major priority since the signing of the Memorandum of Understanding on Treaty Day, October 1, 2015 and this work will be extended to 2020. This collaborative partnership among four provincial departments and Mi'kmaw Kina'matnewey creates a unique opportunity to continue to develop innovative and reconciliatory methods for learning about our shared history and responsibilities.

Nova Scotia strives to remain innovative in delivering on our mandate through flexibility and adoption of best practices that focus on reconciliation and restorative processes. This approach encourages Aboriginal people to take an active role in the process of healing and improving our relationships with these communities.

We are proud of the work we have accomplished over the last year, and look forward to continuing to build meaningful relationships and partnerships that will create opportunities and help build an inclusive, innovative, and prosperous Nova Scotia.

Wela'lin,

Premier Stephen McNeil
Minister, Office of Aboriginal Affairs

Section 1 – Mandate

The Office of Aboriginal Affairs (OAA) leads negotiations related to Aboriginal and treaty rights with the Mi'kmaq of Nova Scotia and the Federal Government, coordinates and facilitates consultation between the Provincial Government and the Mi'kmaq of Nova Scotia, represents provincial interests that address Aboriginal matters, and provides strategic policy advice to government in fostering social and economic prosperity in Aboriginal communities. In addition, OAA works with partners within and outside of government to increase public awareness and understanding of many Aboriginal issues. This is done through the development of resources for the general public, educational institutions, and other targeted audiences.

To advance the Office of Aboriginal Affairs' broad mandate, it is important to understand the various interests and priorities of Aboriginal peoples in Nova Scotia. The Umbrella Agreement (2002) outlines the Province's primary commitments and mechanisms by which we currently advance our relationship with the Mi'kmaq of Nova Scotia and Canada. This agreement includes the Negotiation Framework Agreement on Aboriginal and Treaty Rights; the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, a preferred protocol for conducting consultations with the Mi'kmaq; and ongoing support for the Mi'kmaq-Nova Scotia-Canada Tripartite Forum to strengthen relationships and to resolve non-rights-based issues of mutual concern affecting Mi'kmaw communities.

Section 2 – Core Responsibilities/Services

Strategic Policy Advice

As a central agency, a key focus of OAA is to provide effective coordination and policy advice to provincial departments, offices, and agencies. There is also significant dialogue and interface with federal agencies at the national and regional levels. To design effective and sustainable corporate practices and solutions, OAA coordinates inter-departmental interests through internal coordination, communication, collaboration, and the development of consistent policy. This work intersects with virtually every government department and OAA works to provide ongoing, continual support to promote meaningful and productive relationships between Nova Scotia and Mi'kmaw communities, while ensuring the province meets their objectives and obligations relating to Mi'kmaq and Aboriginal people in Nova Scotia.

OAA coordinates a collaborative approach among departments to address a broad range of Aboriginal issues and interests. This is achieved formally through the Senior Officials Advisory Committee on Aboriginal Affairs and informally through issue coordination and management with line departments. Through the Policy Division, interpretation, analysis, and synthesis of information on issues from the Aboriginal community and Nova Scotia's 13 Mi'kmaq First Nations is coordinated to provide advice for the annual Assembly of Nova Scotia Mi'kmaq Chiefs and Provincial Cabinet meeting, and ongoing issues such as legislation, formal consultation, engagement, and negotiations.

Our relationships are strengthened through identification and coordination of cross-departmental issues, managing bilateral relations with the Mi'kmaq, and fostering intergovernmental relations with Canada and other provinces. A significant component of the collaborative relationship with the Mi'kmaq and Federal Government is through the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. OAA provides both funding and leadership to the Tripartite Forum to enhance collaboration and improve outcomes on issues of mutual importance. At an operational level, the seven working committees of the Mi'kmaq-Nova Scotia-Canada Tripartite Forum demonstrate a commitment to practical and tangible progress on issues and opportunities to improve social and economic outcomes for the Mi'kmaq, and the province as a whole. The Tripartite Forum has reached its 20th anniversary and recommitment and renewal are pending. A review process is being initiated and will be led by the Tripartite Forum Steering Committee. This forum is a nationally unique and innovative mechanism that brings multiple levels of government and the Mi'kmaw community together to work collaboratively.

Additionally, through the Tripartite Forum, OAA continues to work with Mi'kmaw leadership to identify priorities and initiatives that will address the Truth and Reconciliation Calls to Action. A TRC symposium, organized by the Tripartite Forum, was held in September 2017. Senator Dan Christmas has presented a draft report to the Tripartite Forum identifying key players in implementing the Calls, reviewing previous and ongoing work, prioritizing these Calls in Mi'kmaw communities, and developing a work plan for the implementation of these Calls within the Province and the Tripartite Forum. This report and implementation plan will be finalized by the Tripartite Forum and through the leadership of the Senior Officials Advisory Committee on Aboriginal Affairs, OAA will continue to monitor, track, and provide advice on existing and emerging programs, services, and initiatives that address these Calls.

In addition, OAA coordinates and leads provincial involvement with major Aboriginal-related Federal-Provincial-Territorial (FPT) initiatives. These fora include participating in the National Inquiry on Missing and Murdered Indigenous Women and Girls, providing funding to the Status of Women for ongoing work for Nova Scotia's Sexual Violence Response Strategy, and working with Mi'kmaw leadership and other partners to address the Truth and Reconciliation Commission Calls to Action, and the Federal government's adoption of the United Nations Declaration on the Rights of Indigenous Peoples. In addition, the FPT Indigenous Forum (replacing the Aboriginal Affairs Working Group (AAWG) in July 2016) was established to continue the work of AAWG to improve outcomes for Aboriginal, Indigenous, and First Nations peoples and promote reconciliation through dialogue between federal, provincial, and territorial governments with National Indigenous Organizations to coordinate cross-jurisdictional issues.

Participation in these reconciliatory and restorative processes will allow Aboriginal people to take an active role in the process of healing and improving our relationships with these communities.

Made-in-Nova Scotia Process

The Made-in-Nova Scotia Process is the formal tripartite Aboriginal and treaty rights negotiation process involving Nova Scotia, Canada, and the Mi'kmaq of Nova Scotia, as represented by the

Assembly of Nova Scotia Mi'kmaq Chiefs through the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO).

This negotiation process allows the three parties to discuss and resolve issues related to Mi'kmaq asserted and established Aboriginal and treaty rights, including Aboriginal title and Mi'kmaq governance, in a collaborative and interest-based manner. The negotiation process helps maintain and foster a positive and productive relationship between the Province and the Mi'kmaq of Nova Scotia as the parties work toward mutually beneficial short term and long-term negotiated arrangements.

Through the negotiation process, OAA represents Nova Scotia's interests and negotiations goals. These include focusing on enhancing legal clarity on rights issues, improving and maintaining stable relationships, and reducing social and economic disparity for the Mi'kmaq of Nova Scotia.

In 2018-19, the parties will continue to explore interim and incremental approaches to addressing Mi'kmaq rights in Nova Scotia. This will focus on negotiated agreements that bring greater clarity and predictability to the exercise of Mi'kmaq wildlife and fishing rights in Nova Scotia.

Other areas of ongoing work for 2018-19 will include continuing:

- discussions on Mi'kmaq governance and the process for determining Mi'kmaq of Nova Scotia beneficiaries;
- consensus-building on forestry issues and discussion of a pilot forest management agreement to build Mi'kmaq forest management capacity;
- the acquisition of land of interest to the Mi'kmaq, to be held in support of a Mi'kmaq of Nova Scotia Accord.

Duty to Consult

In 2004, the Supreme Court of Canada ruled that provincial and federal governments have a duty to consult with Aboriginal peoples and accommodate their interests, where appropriate, when contemplating conduct that may adversely impact established and asserted Aboriginal or treaty rights. The Government of Nova Scotia recognizes the duty to consult with the Mi'kmaq of Nova Scotia and, beginning in 2007, established an institutional framework for consultation.

The Consultation Division provides policy leadership, guidance, and advice to government departments about the duty to consult with the Mi'kmaq of Nova Scotia, and advises on the process to fulfill consultation obligations. The consultation process is guided by the *Nova Scotia-Mi'kmaq-Canada Consultation Terms of Reference* (ToR), and the *Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia*. The Consultation Division works directly with departments to implement the ToR consultation process by coordinating consultation, facilitating meetings and communication, organizing and coordinating working groups, technical committees and consultation tables, developing tools, and offering training and capacity building to ensure the duty to consult is met. A review of the ToR was completed in 2016. In 2018-19, the Consultation Division will work with partner signatories, the Assembly of Nova

Scotia Mi'kmaq Chiefs and the Government of Canada, to continue implementation of the recommendations resulting from the ToR review.

In addition, OAA coordinates consultations with federal departments on projects where multi-jurisdictional decisions are required. A coordinated approach ensures government meets its legal consultation obligations and has consistent and effective mechanisms for consulting with the Mi'kmaq. The relationship with Canada is guided by the *Canada-Nova Scotia MOU on Consultation Cooperation*. It enables the sharing of information and gives direction to coordinated training and capacity building for provincial and federal public servants.

OAA also advises project proponents on delegated aspects of consultation and engagement with the Mi'kmaq, as outlined in the *Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia* (Guide). In 2017-18, OAA initiated a review of the Guide. The Consultation Division engaged with Proponents from various sectors to ascertain which aspects of the publication should be updated to reflect the changing context of Consultation in Nova Scotia. In 2018-19, OAA will introduce an updated Guide which will effectively inform proponents on the delegated aspects of consultation and engagement with the Mi'kmaq of Nova Scotia.

Continued support of the Mi'kmaq internal consultation coordination, capacity, and communications between KMKNO and Mi'kmaq communities is essential to enhance the provincial consultation process coordination by OAA. This includes responding to increased volume and complexity of consultations and the development of tools and technical solutions. OAA will continue to work with line departments to create or enhance existing consultation processes that are aligned with the particular circumstances of their consultations with the Mi'kmaq.

Enhanced Public Education Awareness and Understanding

Continuing to build understanding of historical and contemporary Mi'kmaq and Aboriginal context across Nova Scotia is a critical ongoing step as we continue to build stronger relationships and work towards reconciliation between Aboriginal and non-Aboriginal Nova Scotians. OAA plays a critical role in sharing messages and knowledge to celebrate Nova Scotia's diverse cultural heritage and build welcoming and inclusive communities. Through collaboration with Aboriginal organizations, communities, and government departments and colleagues, OAA works to build capacity of organizations, celebrate culture and history, and extend the reach of education opportunities.

Public education and awareness is achieved through the Treaty Education Nova Scotia collaborative initiative between the Mi'kmaq and several government departments. This creates an opportunity for every Nova Scotian to learn about our shared history in the province and in Canada. Specific programming is being developed for the education system, the provincial civil service, and the broader public. As well, OAA coordinates annual Treaty Day celebrations with the Mi'kmaq in October, and supports the Mi'kmaq History Month Committee by promoting community events and activities that celebrate Mi'kmaq culture, heritage, and contributions across

Nova Scotia. Treaty Day (October 1st) commemorates the role of treaties in the relationship between Nova Scotia Mi'kmaq and the Crown and promotes public awareness about the Mi'kmaw culture and heritage for all citizens of Nova Scotia.

A Memorandum of Understanding was signed on Treaty Day 2015 between the Province and the Mi'kmaq. OAA provides funding for a Mi'kmaq coordinator, significant in-kind staff contributions across government departments and acquired an FTE from PSC to lead the work provincially. A 2-year extension of this MOU will be requested in 2018 (to extend this partnership to 2020). As part of our work under the MOU, OAA will be working on shaping and implementing options for long-term governance for Treaty Education in Nova Scotia.

Treaty Education creates an opportunity to develop innovative and reconciliatory methods for learning about our shared history and responsibilities. By promoting a deeper understanding of our shared treaty relationship, we can create greater understanding of matters pertaining to many important sectors in Nova Scotia. OAA is also leading the implementation of projects, including the creation and delivery of public service education, development of a speakers' bureau, and facilitation training for the KAIROS Blanket Exercise, a teaching tool to share the historic and contemporary relationship between Aboriginal and non-Aboriginal peoples in Canada.

Improve Social and Economic Prosperity of Aboriginal Communities

Improving social and economic prosperity in Aboriginal communities in Nova Scotia further strengthens the provincial economy. Ongoing work continues to identify major social, justice, and economic and employment opportunities and initiatives. These target social and economic prosperity to enhance economic development, education, and employment opportunities. This is done through maintaining and developing productive and collaborative partnerships with other provincial departments and external partners. OAA works collaboratively with Mi'kmaw communities and Aboriginal organizations and with other levels of government, to coordinate Aboriginal and Tripartite initiatives, develop strategies, promote business development opportunities, and increase capacity.

OAA supports a number of projects that focus on partnerships to improve social and economic prosperity of Aboriginal communities and Aboriginal Nova Scotians. In addition, enhanced public awareness and appreciation of Mi'kmaq history and culture target youth initiatives, marginalized communities, urban Aboriginal populations, and increase Aboriginal employment in the provincial workforce. For example, in 2017-18, support was provided for the Clean Foundation Leadership Program, which employs up to 20 leadership placements for Aboriginal youth (15-30 years old), various community-specific initiatives to strengthen economic activity and prosperity, and support to ensure victims and families had the opportunity to attend and meaningfully participate the National Inquiry on Murdered and Missing Indigenous Women and Girls community and family hearings. Recognizing the unique position of the Mi'kmaq in this province and the contributions of Mi'kmaw culture is supported through several initiatives focusing on cultural expression, visibility, and the development and planning for a Mi'kmaw cultural centre. This support will continue into

2018-19 targeting continued partnerships and innovation to strengthen social and economic development and prosperity for Nova Scotia's Aboriginal communities

OAA plays a central coordination role connecting government departments with Aboriginal agencies involved in training and job creation. OAA continues to foster connections among various government departments and Aboriginal organizations, such as the Mi'kmaw Employment & Training Secretariat, Aboriginal Peoples Training & Employment Commission, and the Mi'kmaq Economic Benefits Office to explore and enhance training, recruitment, and employment opportunities for Aboriginal people. These efforts have yielded stronger relationships, as well as increasing regional seasonal employment opportunities in construction and maintenance roles. OAA will continue these efforts with partners to increase the number of Aboriginal people receiving employment-based training and improving economic development opportunities and job creation.

The urban Aboriginal population continues to increase and offers both challenges and opportunities to transition and grow our economy and culture. OAA works closely with and supports organizations such as the Mi'kmaw Native Friendship Centre (MNFC) to provide culturally sensitive approaches to better serve and understand this expanding population. In 2016-17, support was provided to the MNFC to conduct a feasibility study to review the options for a new friendship centre, which will allow for continued and enhanced programming to meet the needs of this population. This study was completed in August 2017 and work continues to progress among the parties, which include the MNFC, the province, and federal and municipal governments to consider the issues and options presented in this study, which include plans for a new centre that creates exciting opportunities for tourism initiatives, social and educational programming, and culturally appropriate access to a variety of services.

Through the Aboriginal Community Development Fund (ACDF) and other grant funding, OAA supports and enhances the capacity of Aboriginal organizations and Mi'kmaw communities to improve social and economic prosperity for Aboriginal people in Nova Scotia. The ACDF supports community-led, Mi'kmaq driven initiatives with economic and business development outcomes and benefits for Nova Scotia's Aboriginal people. This fund specifically leverages other resources within and outside of government to support these projects and initiatives. Specifically, OAA was successful in leveraging more than $1.1 million in federal funds, which accounted for approximately 96% of total project costs. These initiatives foster collaboration and exploration of new opportunities. Measures of success vary depending on the project, but often include increasing employment prospects, developing capacity in Aboriginal communities, providing leadership development opportunities for youth, establishing business opportunities, and increasing education and awareness regarding issues facing Mi'kmaw communities and peoples. OAA will continue to maximize partnerships and collaboration through the ACDF in 2018-19.

Section 3 – Measuring Progress, Impact, and Success

Our approach to measuring progress, impact, and success is founded on strong working relationships with the Mi'kmaq and Aboriginal people in the province. These relationships will continue to be strengthened through existing mechanisms mentioned above, as well as other

national, regional, and local forums and working committees. As an office with a central agency role, providing advice and coordination to all provincial departments and agencies, we have many ongoing initiatives and priorities that are collaborative, integrated, and often complex.

The success of our work and approach can be measured through reflection and qualitative evaluation of our strategic outcomes, including:

- Positive and productive relationship through negotiations with Canada and the Nova Scotia Mi'kmaq.
- Coordinated approaches that ensure government meets its obligations and legal duty to consult.
- Collaborative partnerships to improve social and economic prosperity of Aboriginal communities, including leveraging provincial funding for initiatives, projects and organizations that advance these objectives.
- Effective coordination and strategic policy advice within the Nova Scotia government, and with Aboriginal communities and organizations, to address a range of issues affecting their communities.
- Collaborative and respectful Aboriginal and intergovernmental relations.
- Enhanced public awareness and appreciation of Mi'kmaq and Aboriginal history and culture, including continued development and promotion of training for NS public servants, enhanced curriculum within the public education system, and increased outreach with the general public to further strengthen our productive and positive relationships with the Mi'kmaq of Nova Scotia.

Section 4 – Departmental Expenses Summary

Departmental Expenses Summary
($ thousands)

Programs and Services	2017-2018 Estimate	2017-2018 Forecast	2018-2019 Estimate
Office of Aboriginal Affairs	$4,521	$4,321	$4,411
Total Departmental Expenses	$4,521	$4,321	$4,411
Ordinary Recoveries	-	-	-
Funded Staff (# of FTEs)			
Department Funded Staff	16.5	16.4	17.5

Note:

For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2

For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1